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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,042	12/30/2003	Jon C. Graff	042933/272518	9223
826	7590	04/08/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			LE, NANCY LOAN T	
		ART UNIT		PAPER NUMBER
				3621

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/749,042	GRAFF, JON C.	
	Examiner	Art Unit	
	NANCY LOAN T. LE	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 December 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 30 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>30 December 2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1-18 have been examined.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 30 December 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Pirhonen et al., U.S. Patent Publication No. US 2004/0039709, published on 26 February 2004.

As per claim 1, Pirhonen et al. disclose a system comprising:

- a terminal capable of communicating at least one of within and across at least one network, wherein the terminal is included within an organization including a plurality of terminals, at least one terminal having at least one characteristic and being at least one of a plurality of positions within the organization [0002-0003, 0032-0033, 0041, fig. 5];
- a secondary certification authority (CA) capable of providing at least one role certificate to the terminal based upon the at least one position of the terminal within the organization, wherein the

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organization includes a plurality of secondary CA's capable of issuing at least one role certificate to respective groups of terminals of the organization [0024, 0033-0034, 0041, fig. 5];

- a tertiary CA capable of providing at least one permission certificate to the terminal based upon the at least one characteristic of the terminal that is located at a position within the organization, wherein the organization includes a plurality of tertiary CA's capable of issuing at least one permission certificate to respective sub-groups of terminals of the organization [0024, 0031, 0035, 0041, fig. 5]; and
- a server capable of authenticating the terminal based upon an identity certificate, the at least one role certificate and the at least one permission certificate of the terminal to thereby determine whether to grant the terminal access to at least one resource of the server [0020, 0023-0024, 0041-0042, figs. 1, 5].

As per **claims 2 and 8**, Pirhonen et al. disclose a system/method of claims 1 and 7, respectively, wherein the terminal comprises a terminal included within an organization comprising a customer base of a cellular service provider that includes a plurality of terminals, each terminal being at one of a plurality of positions comprising a plurality of service plans offered by the cellular network operator, and wherein at least one terminal has at least one characteristic comprising at least one optional service offered by the cellular network operator [0002-0003, 0020].

As per **claims 3 and 9**, Pirhonen et al. disclose a system/method of claims 1 and 7, respectively, wherein the terminal comprises a terminal included within an organization comprising a customer base of a cellular service provider that includes a plurality of terminals, each terminal being at least one of a plurality of positions comprising a plurality of services offered by the cellular network operator, and wherein at least one terminal has at least one characteristic comprising at least one optional service offered by the cellular network operator [0002-0003, 0020].

As per **claims 4 and 10**, Pirhonen et al. disclose a system/method of claims 1 and 7, respectively, wherein the tertiary CA is capable of providing at least one permission certificate each having an associated validity time no greater than a validity time of the at least one role certificate

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provided by the secondary CA, and no greater than a validity time of the identity certificate [0027, 0039, 0041].

As per claims 5 and 11, Pirhonen et al. disclose a system/method of claims 4 and 10, respectively, wherein the server is capable of authenticating the terminal based upon the validity times of the identity certificate, at least one role certificate and at least one permission certificate of the respective terminal [0024, 0039, 0041].

As per claims 6 and 12, Pirhonen et al. disclose a system/method of claims 1 and 7, respectively, wherein the terminal is capable of requesting access to at least one resource of a server before the server authenticates the terminal, and wherein the server is capable of granting access to the at least one resource if the terminal is authenticated [0032-0033, 0041].

As per claim 7, Pirhonen et al. disclose a method of authenticating a terminal comprising:

- providing a terminal capable of communicating at least one of within and across at least one network, wherein the terminal is included within an organization including a plurality of terminals, at least one terminal having at least one characteristic and being at least one of a plurality of positions within the organization [0002-0003, 0032-0033, 0041, fig. 5];
- providing at least one role certificate to the terminal from a secondary certification authority (CA) based upon the at least one position of the terminal within the organization, wherein the organization includes a plurality of secondary CA's capable of issuing at least one role certificate to respective groups of terminals of the organization [0024, 0033-0034, 0041, fig. 5];
- providing at least one permission certificate to the terminal from a tertiary CA based upon the at least one characteristic of the terminal located at a position within the organization, wherein the organization includes a plurality of tertiary CA's capable of issuing at least one permission certificate to respective sub-groups of terminals of the organization [0024, 0031, 0035, 0041, fig. 5]; and
- authenticating the terminal at a server based upon an identity certificate, the at least one role certificate and the at least one permission certificate of the terminal to thereby determine whether

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to grant the terminal access to at least one resource of the server [0020, 0023-0024, 0041-0042, figs. 1, 5].

As per **claim 13**, Pirhonen et al. disclose a terminal included within an organization including a plurality of terminals, each terminal having at least one characteristic and being at least one of a plurality of positions within the organization, the terminal comprising:

- a controller capable of communicating at least one of within and across at least one network, wherein the controller is capable of obtaining at least one role certificate 10 from a secondary certification authority (CA) based upon the at least one position of the terminal within the organization and at least one permission certificate from a tertiary CA based upon the at least one characteristic of the terminal that is located at a position within the organization, wherein the organization includes a plurality of secondary CA's capable of issuing at least one role certificate to respective groups of terminals of the organization, and wherein the organization includes a plurality of tertiary CA's capable of issuing at least one permission certificate to respective sub-groups of terminals of the organization [0040]; and
- a memory capable of storing an identity certificate, at least one role certificate and at least one permission certificate [0025, 0029, 0030], wherein the controller is also capable of communicating with a server such that the server is capable of authenticating the terminal based upon the identity certificate, the at least one role certificate and the at least one permission certificate of the terminal to thereby determine whether to grant the terminal access to at least one resource of the server [0040].

As per **claim 14**, Pirhonen et al. disclose a terminal of claim 13, wherein the controller is capable of obtaining at least one role certificate from a secondary CA capable of issuing at least one role certificate to each terminal of the organization comprising a customer base of a cellular service provider that includes a plurality of terminals, each terminal being at one of a plurality of positions comprising a plurality of service plans offered by the cellular network operator, and wherein the controller is capable of obtaining at least one permission certificate based upon at least one characteristic comprising at least one optional service offered by the cellular network operator [0002-0003, 0020].

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As per **claim 15**, Pirhonen et al. disclose a terminal of claim 13, wherein the controller is capable of obtaining at least one role certificate from a secondary CA capable of issuing at least one role certificate to each terminal of the organization comprising a customer base of a cellular service provider that includes a plurality of terminals, each terminal being at least one of a plurality of positions comprising a plurality of services offered by the cellular network operator, and wherein the controller is capable of obtaining at least one permission certificate based upon at least one characteristic comprising at least one optional service offered by the cellular network operator [0002-0003, 0020].

As per **claim 16**, Pirhonen et al. disclose a terminal of claim 13, wherein the controller is capable of obtaining at least one permission certificate each having an associated validity time no greater than a validity time of the at least one role certificate obtained by the controller, and no greater than a validity time of the identity certificate [0027, 0039, 0041].

As per **claim 17**, Pirhonen et al. disclose a terminal of claim 16, wherein the controller is also capable of communicating with a server such that the server is capable of authenticating the terminal based upon the validity times of the identity certificate, at least one role certificate and at least one permission certificate of the respective terminal [0024, 0039, 0041].

As per **claim 18**, Pirhonen et al. disclose a terminal of claim 13, wherein the controller is capable of requesting access to at least one resource of a server before the server authenticates the terminal such that the server is capable of granting access to the at least one resource if the terminal is authenticated [0032-0033, 0041].

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Servicing providing method, system and program, Kato et al., U.S. Patent Publication No. US 2003/0154407, published on 14 August 2003.
 - Electronic certificate system, Kawamura et al., U.S. Patent Publication No. US 2003/0093676, published on 15 May 2003.

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- Consumption of content, Hurst et al., U.S. Patent Publication No. US 2003/0007646, published on 9 January 2003.
- Method for securely using digital signatures in a commercial cryptographic system, Sudia et al., U.S Patent No. 5,659,616, published on 19 August 1997.
- Method for securely using digital signatures in a commercial cryptographic system, Sudia et al., U.S Patent Publication No. US 2002/0029337, published on 7 March 2002.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is (703) 305-0549 (until 12 April 2005), and will be **(571) 272-7066 effective 13 April 2005**. The examiner can normally be reached on Monday-Thursday, 6am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES P. TRAMMELL can be reached at (703) 305-9768 until 12 April 2005, and at **(571) 272-6712 effective 13 April 2005**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (remains unchanged), for official/regular communication. For informal/draft communication, the fax number is 703-302-3376 (rightfax).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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Alexandria, VA 22313-1450

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Hand delivered responses should be brought to **Receptionist** whose telephone number is (703) 305-3900 located in Crystal Park 5, at 2451 Crystal Drive, Arlington, Virginia 22202, seventh floor.

NL

April 4, 2005



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